

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

JUAN RODRIGUEZ and JORGE TORRES
Plaintiffs

VS.

JAMES STRICKLER, EMPIRE EXPRESS, INC.
And EMPIRE TRANSPORTATION, INC.
Defendants.

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CIVIL ACTION NO. _____
Jury

DEFENDANTS' NOTICE OF REMOVAL

JAMES STRICKLER, EMPIRE EXPRESS, INC. AND EMPIRE TRANSPORTATION, INC., Defendants herein, remove this matter pursuant to 28 U.S.C. §1446 from the 406th Judicial District Court of Webb County, Texas based on diversity jurisdiction, and would respectfully show as follows:

1. The Plaintiffs are **JUAN RODRIGUEZ and JORGE TORRES**.
2. The Defendants are **JAMES STRICKLER, EMPIRE EXPRESS, INC. AND EMPIRE TRANSPORTATION, INC.**
3. Defendant James Strickler resides in Crestline, Ohio.
4. Defendants **EMPIRE EXPRESS, INC. and EMPIRE TRANSPORTATION, INC.**'s principal place of business is in Tennessee.
5. The Plaintiffs filed in the state court Plaintiffs' Original Petition with Request for Disclosure, First Set of Interrogatories, Requests for Production and Requests for Admissions on or about July 13, 2015 alleging, *inter alia*, to have been caused damages/injuries due to the negligence of Defendants. Plaintiffs have plead that they suffered serious injuries and other damages as a result of a motor vehicle accident that occurred on or about January 2, 2014.

6. Pursuant to 28 U.S.C. §1446(b), the Defendant files this Notice of Removal within 30 days after receipt by the Defendants of Plaintiffs' initial pleading.

BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. §1332 upon the basis of diversity jurisdiction. This case involves two Plaintiffs from Laredo, Webb County, Texas; one Defendant from Ohio and two other named Defendants from Tennessee. Plaintiffs have pled for damages in excess of \$1,000,000.

ATTACHMENTS

8. A copy of all pleadings, process, orders, and other filings in the state court suit are attached to this Notice as required by 28 U.S.C. §1446(a).

9. Defendant will promptly file with the clerk of the state court where this suit has been pending a Notice of this Removal.

JURY DEMAND

10. Defendants respectfully request, pursuant to F. R. Civ. P. 38, a trial by jury.

CONCLUSION AND PRAYER

11. Removal of this matter from the state court to this Honorable Court is proper on the basis of diversity jurisdiction. This Notice of Removal has been filed in a timely manner.

12. For these reasons, this suit is properly removable from the state court and the Defendant respectfully requests that this Court remove the suit to The United States District Court for the Southern District of Texas, Laredo Division.

Respectfully submitted,

UPTON, MICKITS & HEYMANN, L.L.P.

Lincoln Center

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/s/ Emily Stroup

By: _____

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**ATTORNEYS FOR DEFENDANTS,
JAMES STRICKLER, EMPIRE EXPRESS,
INC. and EMPIRE TRANSPORTATION, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that, pursuant to F. R. Civ. P. 5, a true and correct copy of the foregoing instrument was served upon the Attorneys of Record of all parties to the above cause on this the 25th day of August, 2015, by the method indicated below.

/s/ Emily Stroup

EMILY STROUP

VIA EFILING:

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